

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

| | | |
|-------------------------|---|-----------------------------|
| Daniel Mahoney, |) | |
| |) | |
| Plaintiff, |) | Civil Action Case No.:_____ |
| |) | |
| v. |) | |
| |) | |
| Williams & Fudge, Inc., |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

NOTICE OF REMOVAL

PLEASE TAKE NOTICE, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Williams & Fudge, Inc. (“WFI”), has this day filed in the Office of the Clerk of the United States District Court for the Northern District of Georgia, Atlanta Division, for the above-entitled Division, a Notice of Removal of the above-entitled action from the Magistrate Court of Fulton County, Georgia to this Court. In support of removal, WFI states as follows:

1. On or about April 8, 2014, Plaintiff commenced litigation by filing a complaint in the Magistrate Court of Fulton County, Georgia. This action is now pending in the Magistrate Court of Fulton County, Georgia with case number 14MS003862 (the “State Court Litigation”).

2. This action is of a civil nature and involves issues of Federal Question over which the District Courts of the United States have original jurisdiction pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.
3. Plaintiff asserts claims against WFI for defamation pursuant to Georgia law, violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq., (“FDCPA”), and violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq., (“FCRA”).
4. Pursuant to 28 U.S.C. § 1446(a), WFI attaches hereto, as Exhibit A, true and correct copies of all process, pleadings, and orders served upon WFI in the State Court Litigation. WFI has not yet filed responsive pleadings. No other pleadings or motions have been filed, no proceedings have been held, and no orders have been signed in the State Court Litigation.
5. On April 10, 2014, Defendant WFI received service of the Summons and Complaint and the same date is the effective date of service for purposes of 28 U.S.C. § 1446(b).
6. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after Defendant accepted service of process and within one year after the commencement of the State Court Litigation.
7. For these reasons, the State Court Litigation should be removed from the Magistrate Court of Fulton County, Georgia, to the United States District Court

for the Northern District of Georgia, Atlanta Division, which is the federal district and division where the State Court Litigation is currently pending. WFI will furnish all costs and disbursements incurred by reason of the removal proceedings should it be determined that the State Court Litigation may not be properly removed.

8. Pursuant to 28 U.S.C. § 1446(d), WFI will promptly give written notice of this Notice of Removal to all parties to this action and will file a copy of this Notice of Removal with the Clerk of the Magistrate Court of Fulton County, Georgia.

WHEREFORE, Defendant WFI respectfully requests,

- (a) the above-captioned civil action be removed to this Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446;
- (b) this Court accept jurisdiction over this civil action; and
- (c) this civil action be entered on this Court's docket for further proceedings as though this civil action had originally been instituted in this Court.

Respectfully submitted on this the 12th day of May, 2014.

BEDARD LAW GROUP, P.C.

/s/ Jonathan K. Aust

Jonathan K. Aust

Georgia Bar No. 448584

John H. Bedard, Jr.

Georgia Bar No. 043473

Attorneys for Defendant Williams & Fudge, Inc.

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| |) | |
| Defendant. |) | |
| _____ |) | |

CERTIFICATE OF SERVICE

The undersigned certifies that Defendant Williams & Fudge, Inc.'s **Notice of Removal** was served upon the Plaintiff and the Magistrate Court of Fulton County on this the 12th day of May, 2014 via U.S. Mail with sufficient postage affixed thereto and addressed as follows:

Mr. Daniel P. Mahoney
251 Lakeview Avenue, N.E.
Atlanta, Georgia 30305

Magistrate Court of Fulton County
Attn: Clerk of Court
185 Central Ave., S.W., Suite TG700
Atlanta, Georgia 30303

Respectfully submitted on this the 12th day of May, 2014.

BEDARD LAW GROUP, P.C.

/s/ Jonathan K. Aust
Jonathan K. Aust
Georgia Bar No. 448584
John H. Bedard, Jr.
Georgia Bar No. 043473
*Attorneys for Defendant Williams &
Fudge, Inc.*